



Victoria Government Gazette

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SPECIAL

Agricultural Industry Development Act 1990

NORTHERN VICTORIAN FRESH TOMATO INDUSTRY DEVELOPMENT ORDER 1999

Citation

1. This Order may be cited as the Northern Victorian Fresh Tomato Industry Development Order 1999.

Order made under the **Agricultural Industry Development Act 1990**.

2. This Order is made under Part 2 of the **Agricultural Industry Development Act 1990**.

Purposes of Order

3. The purposes of this Order are to set up a Committee to -
 - (a) carry out or fund research into the breeding, production, handling, marketing or promotion of fresh tomatoes; and
 - (b) facilitate domestic and export marketing of fresh tomatoes.

Definitions

4. In this Order

“Act” means the **Agricultural Industry Development Act 1990**.

“Committee” means the Northern Victorian Fresh Tomato Industry Development Committee.

“Container” means a new fibre board, fibre-board composite or styrene foam container of 10 kilogram capacity for the packaging of fresh tomatoes.

“Fresh tomatoes” means any variety of tomatoes grown or produced for sale for fresh consumption.

“Grower” means -

- (a) a person by whom, or on whose behalf, fresh tomatoes are commercially grown or produced in the production area for sale; and
- (b) where fresh tomatoes are commercially grown or produced in the production area for sale by a partnership or under a share farming agreement, the partnership or the parties to that agreement - but does not include a person engaged as a employee on wages, a salary or piece work rates.

“Minister” means the Minister administering the Act.

“Packaging manufacturers” means all manufacturers or suppliers of cartons used by northern Victorian tomato growers for the sale of fresh tomatoes.

“Production area” means the areas within the Shires of Campaspe, Greater Bendigo, Greater Shepparton, Loddon, Moira and Strathbogie.

Term of Order

5. This Order commences on the day of the date of its publication in the Government Gazette and remains in force for 6 months from that date.

Establishment of Committee

6. There shall be a “Northern Victorian Fresh Tomato Industry Development Committee”, which shall be the successor in law of the Committee established by the Northern Victorian Fresh Tomato Industry Development Order 1995.

Members

7. The Committee shall consist of seven members appointed by the Minister being -
 - (a) four voting grower members nominated by the Northern Victorian Fresh Tomato Growers’ Association or any other relevant body that, in the opinion of the Minister, has replaced that body; and

- (b) two voting non-grower members nominated by the Northern Victorian Fresh Tomato Growers' Association, or any other relevant body that in the opinion of the Minister has replaced that body, who possess specialist expertise appropriate to the needs of the fresh tomato industry in the fields of industry development, business administration, marketing or promotion; and
- (c) one non-voting member nominated by the Secretary of the Department of Natural Resources and Environment.

Chairperson

8. The voting members of the Committee must elect a voting member of the Committee to be Chairperson of the Committee for a period of 12 months.

Functions of Committee

9. The Committee may -
- (a) carry out or fund research into the breeding, production, handling, marketing or promotion of fresh tomatoes and advise growers about research findings; and
 - (b) facilitate the domestic and export marketing of fresh tomatoes grown in the production area.

Powers of Committee

10. The Committee may -
- (a) impose a charge on all growers for services it provides;
 - (b) delegate any of its powers, duties or functions (other than the power of delegation) to an employee of the Committee;
 - (c) exempt by written notice, either conditionally or unconditionally, a person or class of persons from compliance with some or all of the requirements of this Order.

Charge Imposed by Committee

11. (a) A charge imposed by the Committee must be at a uniform rate and be based on the purchase by growers from packaging manufacturers of containers.
- (b) A charge is payable by growers at the point and time of sale of containers, and is to be collected by packaging manufacturers by arrangement with and on behalf of the Committee.
- (c) The first charge imposed by the Committee must be at the rate of 3 cents per container and shall remain in force until the end of the financial year during which it was imposed.
- (d) A charge imposed by the Committee must not at any time during the term of the Order exceed the rate of 4.5 cents per container.
- (e) A charge must be reviewed by the Committee at the end of each financial year and must not be varied unless the variation has been approved by a majority of growers at the Annual General Meeting of the Committee.
- (f) Any recommendation from the Committee to vary the charge must be notified in writing to all growers at least 14 days prior to the Annual General Meeting.

Distribution of Proceeds of Charge

12. The Committee must apply the proceeds of a charge in accordance with its functions and any funding priorities set out in the Plan of Operation of the Committee.

Meetings

13. (a) The Committee must hold an Annual General Meeting in each financial year at which time any variation to a charge must be considered and voted on by growers.
- (b) At the Annual General Meeting the Chairperson of the Committee shall report to growers on the operation of the Committee during the previous 12 months.

- (c) The timing of all meetings of the Committee, including the Annual General Meeting, is at the discretion of the Committee.

Financial Year

- 14. The financial year of the Committee is the period from 1 July to 30 June.

Plan of Operation

- 15. (a) The Committee must within the first 12 months of its operation produce a Plan of Operation which is to include the aims and objectives of the Committee's research and promotion activities during the term of the Order.
- (b) In determining the aims and objectives to be included in a Plan of Operation, the Committee must have regard to any priority guidelines for promotion and production research and development which have been adopted by the Northern Victorian Fresh Tomato Growers' Association.
- (c) The Plan of Operation must be published by the Committee and made available to growers on request.

Voting

- 16. (a) For the purpose of voting at a future poll on the question of the continuation of the Order, a grower who grew or produced fresh tomatoes in the preceding year is eligible to vote.
- (b) Voting at a poll shall be on the basis of one vote for each of the following:
 - (i) Individual producer;
 - (ii) Company;
 - (iii) Partnership;
 - (iv) Share farming agreement

Penalty for Contravening the Order

- 17. A person who fails to comply with the requirement of Clause 11 relating to the payment of a charge imposed by the Committee contravenes this Order and is liable to a penalty not exceeding 20 penalty units. One penalty unit is currently \$100.

Dated: 20th December, 1999

KEITH HAMILTON
Minister for Agriculture

Subordinate Legislation Act 1994

NOTICE OF DECISION

Proposed Marine Regulations 1999

I, Candy Broad, Minister for Ports, give notice under section 12 of the **Subordinate Legislation Act 1994** that the proposed Marine Regulations 1999 have been the subject of a regulatory impact statement.

Public comments and submissions were invited as required by section 11(1) of the Act and the ten submissions have been considered as required by section 11(3) of the Act.

I have decided that the proposed Marine Regulations 1999 should be made with some minor amendments included.

CANDY BROAD
Minister for Ports

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